

REMARKS

The office action dated October 27, 2005 (the "Office Action") has been received and carefully noted. Claims 1-11 were examined. Claims 1-10 were rejected. Claim 11 was objected to. Claims 1 and 7 are amended. Claims 1-11 remain in the application.

Claims 1-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Nos. 6,225,210 to Ngo et al. ("Ngo") as evidenced by 6,524,867 to Yang et al. ("Yang"). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP 2131. Applicants respectfully submit that each and every element, either expressly or inherently, in amended claims 1 and 7 and their respective dependent claims is not set forth in the cited references.

Amended claim 1 includes the limitation of removing a portion of conductive material sufficient to recess the conductive material in the contact opening. Similarly, amended claim 7 includes the limitation of removing the conductive material sufficient to (a) expose the barrier layer on the substrate surface and (b) recess the conductive material in the contact opening. By contrast, neither Ngo nor Yang include such a limitation either expressly or inherently.

Claims 1-6 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Nos. 6,354,117 to Yoshio et al. ("Yoshio") as evidenced by Yang. As stated previously, amended claim 1 includes the limitation of removing conductive material to recess the conductive material in the contact opening. Similarly, amended claim 7 includes the limitation of removing the conductive material sufficient to (a) expose the barrier layer on the substrate surface and (b) recess the conductive material in the contact opening. By contrast, neither Yoshio nor Yang include such a limitation either expressly or inherently.

Accordingly, Applicants respectfully submit that claims 1 and 7 and their respective dependent claims are patentably allowable.

Claim 11 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Based on the arguments presented above, Applicants believe that it is

unnecessary to amend claim 11 as suggested by the Examiner. Applicants respectfully request that the objection to claim 11 be withdrawn.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance, and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.

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1/23/06
Date